

Remarks

This is responsive to the Advisory Action mailed October 19, 2009. The amendments and accompanying remarks herein are proper, do not introduce new matter, and are entirely tangentially related to patentability, thereby not made for reason of patentability in response to a rejection over a cited reference.

The amendments to the drawings and specification correct typographical errors; Applicant regrets any confusion these errors may have caused.

Claim 1 and the claims depending therefrom are amended without prejudice to more particularly define the liner structure in terms of the disclosed embodiments having a longitudinal wall portion 264 and a radially inward extending bottom 266 extending from the wall portion.

Interview Summary Mailed September 30, 2009

The Interview Summary mailed 9/30/2009 makes mention of but does not provide a copy of an amendment suggested by the Office to obviate the standing rejections. Applicant respectfully requests that the Office supplement the Interview Summary with a copy of its suggested amendment in accordance with the intended procedure that all business of the Office be performed in writing.¹

Rejection under Section 112(2) of Claims 1, 3-14, and 21-22

Claims 1, 3-14, and 21-22 stand rejected as allegedly being indefinite under 35 U.S.C. § 112, second paragraph.

The Office rejected claim 1 because "there is no antecedent basis for 'the surface' of the second end of the liner."² Applicant has canceled the disputed language to obviate the rejection.

The Office rejected claim 7 because "there is no antecedent basis for 'the bottom of the liner.'"³ Applicant has canceled the disputed language to obviate the rejection.

Applicant respectfully requests the withdrawal of the rejection of claims 1 and 7 and all claims depending therefrom in view of the present clarifying amendments.

¹ 37 CFR 1.2.

² Office Action, pg. 2.

³ Office Action, pg. 2.

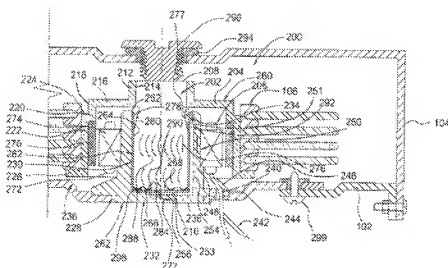
Rejection under Section 102(b) of Claims 1 and 3

Claims 1 and 3 stand rejected under Section 102(b) as allegedly being anticipated by Nii (U.S. Pat. No. 4,938,611).

Claim 1

Claim 1 as previously presented recited *a liner . . . wherein the liner includes . . . a second end . . . wherein the second end includes an inner surface having a hole formed therethrough*. Support for the claimed subject matter includes at least the embodiments of FIG. 2 and the descriptions thereof which disclose the liner 234 having the hole 268 formed in the bottom 266:

FIG. 2



The Office's interpretation is that Nii discloses a fluid dynamic bearing (a) between a liner (6) and a shaft (1):

FIG. 3

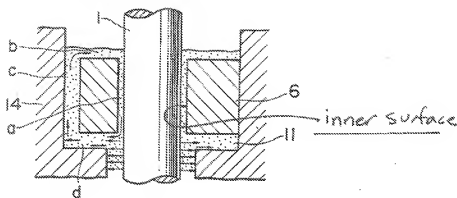


FIG. 3 of Nii is marked up above to denote the “inner surface” of the liner in accordance with the Office’s interpretation, because claim 1 as previously presented featured in pertinent part *the shaft configured to rotate on the surface of the second end of the liner...* However, claim 1 as previously presented also featured *an inner surface having a hole formed therethrough...* The skilled artisan readily recognizes that Nii’s “inner surface” does not have *a hole formed therethrough* as featured by previously presented claim 1; Nii’s “inner surface” defines a hole but does not have a hole formed through it.

Applicant was entitled to a complete action on the merits: “the examination shall be complete with respect...to the patentability of the invention as claimed....”⁴ Applicant has shown, without rebuttal by the Office, that the Office’s examination resulting in the final rejection was incomplete for failing to consider all of the claimed features. Applicant has nonetheless amended the claims without prejudice to remove the issue and facilitate progress on the merits. Claim 1, as amended, more particularly features the liner in terms of having a longitudinal wall and a bottom extending radially inward from the wall. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and the claims depending therefrom in view of the clarifying amendments.

Rejection under Section 103(a) of Claims 1, 3, 6, 9-14, and 21-22

Claims 1, 3, 6, 9-14, and 21-22 stand rejected as allegedly being unpatentable over Usui (U.S. Pat. No. 5,924,798) in light of Nii.

⁴ 37CFR 1.104(a)(1) (emphasis added).

As discussed above for the Section 102 rejection over Nii, claim 1 as previously presented recited a liner . . . wherein the liner includes . . . a second end . . . wherein the second end includes an inner surface having a hole formed therethrough. The Office's interpretation is that Usui discloses a liner (5b):

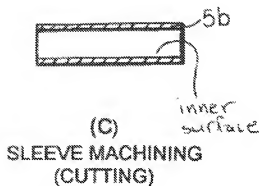


FIG. 3(c) of Usui is marked up above to denote the “inner surface” of the liner in accordance with the Office’s interpretation, because claim 1 as previously presented also featured in pertinent part *the shaft configured to rotate on the surface of the second end of the liner*.... The skilled artisan readily recognizes that Usui’s “inner surface” does not have a hole formed therethrough as featured by claim 1; Like Nii, Usui’s “inner surface” defines a hole but does not have a hole formed through it.

Again, Applicant has shown, without rebuttal by the Office, that it was entitled to a complete action on the merits: “the examination shall be complete with respect...to the patentability of the invention as claimed....”⁵ As shown above, the Office’s examination resulting in the final rejection was incomplete for failing to consider all of the claimed features. Applicant has nonetheless amended the claims without prejudice as discussed above to remove the issue and facilitate progress on the merits. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and the claims depending therefrom in view of the clarifying amendments.

Rejection under Section 103(a) of Claims 1, 3, and 6-8

Claims 1, 3, and 6-8 stand rejected as allegedly being unpatentable over Tanaka (U.S. Pub. No. 2001/0022869) in light of Nii.

⁵ 37CFR 1.104(a)(1) (emphasis added).

As discussed above, claim 1 as previously presented recited *a liner ... wherein the liner includes ... a second end ... wherein the second end includes an inner surface having a hole formed therethrough*. The Office's interpretation is that Tanaka discloses a liner (12):

FIG. 1

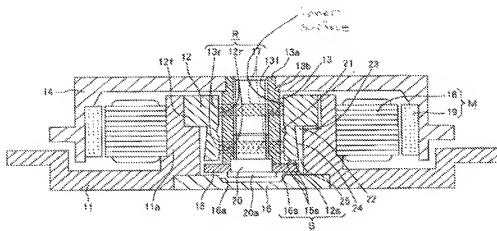


FIG. 1 of Tanaka is marked up above to denote the inner surface of the liner in accordance with the Office's interpretation, because claim 1 as previously presented also featured in pertinent part *the shaft configured to rotate on the surface of the second end of the liner...* The skilled artisan readily recognizes that Tanaka's "inner surface" does not have a hole formed therethrough as featured by previously presented claim 1; Like Nii and Usui, Tanaka's "inner surface" defines a hole but does not have a hole formed through it.

Again, Applicant was entitled to a complete action on the merits: "the examination shall be complete with respect...to the patentability of the invention as claimed..."⁶ As shown above, the Office's examination resulting in the final rejection was incomplete for failing to consider all of the claimed features. Applicant has nonetheless amended the claims without prejudice as discussed above to remove the issue and facilitate progress on the merits. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 and the claims depending therefrom in view of the clarifying amendments.

⁶ 37CFR 1.104(a)(1) (emphasis added).

Rejection under Section 103(a) of Claims 4 and 5

Claims 4 and 5 stand rejected as allegedly being unpatentable over Tanaka in light of Nii as applied to claims 1 and 3, and in further view of Titcomb (U.S. Pat. No. 5,516,212). Titcomb fails to cure the deficiency of Tanaka and Nii regarding the rejection of claim 1 from which claims 4 and 5 depend. As such, the cited references fail to substantiate *prima facie* obviousness by not teaching all the features of the rejected claims. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 4 and 5.

Conclusion

This is a complete response to the Advisory Action mailed October 19, 2009. Applicant respectfully requests passage of all claims to issuance.

Applicant has also submitted herewith a request for telephone interview if, after having reviewed this Response, the Office determines that any of the claims are not in condition for allowance. The presently requested interview is necessary and appropriate in view of the protracted prosecution history to best facilitate progress on the merits and to resolve, if necessary, any issues remaining unresolved by this Response.

The Office is encouraged to contact the undersigned should any question arise concerning this response or anything else concerning this case.

Respectfully submitted,

By: /Mitchell K. McCarthy/
Mitchell K. McCarthy, Registration No. 38,794
McCarthy Law Group
512 Northwest 12th Street
Oklahoma City, Oklahoma 73103
1.877.654.6652 or 405.639.3082
www.mccarthyiplaw.com